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6 GREGORY ROBERTSON

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 GREGORY J. ROBERTSON,

Case No.:

10 Plaintiff,

**COMPLAINT**

11 vs.

**[JURY TRIAL DEMANDED]**

12 WYNN LAS VEGAS, LLC, a limited liability  
company;

13 Defendant.

14  
15 Plaintiff GREGORY J. ROBERTSON (hereinafter referred to as "Plaintiff"), by and  
16 through his counsel, Sharon L. Nelson and Nicholas L. Hamilton of Nelson Law, hereby alleges  
17 and states against WYNN LAS VEGAS, LLC, a limited liability company, (hereinafter referred  
18 to as "Defendant") as follows:

19 **GENERAL ALLEGATIONS**

- 20 1. At all times relevant herein, Plaintiff was an individual residing in the State of  
21 Nevada.  
22 2. At all times relevant herein, Defendant was a limited liability company doing  
23 business and licensed to conduct business in the State of Nevada.  
24

1           3.       All the acts and/or failures to act alleged herein were duly performed by and/or  
2 are attributable to Defendant, acting by and through their agents and employees. Said acts and/or  
3 failures to act were within the scope of said agency and/or employment, and the Defendant  
4 ratified said acts and/or omissions.

5           4.       At all times relevant herein, Defendant employed over twenty (20) employees.

6           5.       At all times relevant herein, Plaintiff was employed as a showroom carpenter by  
7 Defendant and had been so employed since 2004.

8           6.       In February 2009, Plaintiff complained to his supervisor, Mike Herbert  
9 ("Herbert"), that he witnessed another carpenter, Berry Lantrip ("Lantrip"), touching women  
10 inappropriately and making degrading comments to them.

11          7.       When Lantrip's inappropriate behavior continued, Plaintiff repeatedly complained  
12 to Herbert.

13          8.       Herbert claimed that Lantrip would be warned and if his behavior continued, he  
14 Lantrip would be suspended.

15          9.       Lantrip continued in his behavior, so Plaintiff again complained to Herbert.

16          10.      In March 2009, Plaintiff was told to attend a meeting with the head of the theater,  
17 Dale Hurt ("Hurt"), and Lantrip.

18          11.      Plaintiff told Hurt that if nothing was done about Lantrip's behavior, Plaintiff  
19 would be filing a complaint with human resources.

20          12.      After Plaintiff's conversations with Hurt, Hurt was constantly watching to see if  
21 he could find something wrong with Plaintiff's work and screaming at Plaintiff.

1           13.     When still nothing was done about Lantrip's behavior, Plaintiff filed a sexual  
2 harassment complaint with human resources against Lantrip and informed human resources that  
3 he had recorded the meeting between himself, Hurt and Lantrip.

4           14.     On March 26, 2009, Plaintiff was suspended pending investigation because he  
5 had recorded the meeting.

6           15.     On April 10, 2009, Plaintiff was terminated.

7           16.     The conduct to which Plaintiff was subjected was retaliatory in violation of the  
8 Civil Rights Act of 1964 (hereinafter referred to as "Title VII").

9           17.     Plaintiff has satisfied all administrative prerequisites and has received a "Notice  
10 of Right to Sue" from the Equal Employment Opportunity Commission.

11           18.     This Court may exercise supplemental jurisdiction of Plaintiff's state law claims  
12 pursuant to 28 U.S.C. § 1367 as they are so related that they form part of the same case and  
13 controversy

14                               **FIRST CAUSE OF ACTION**  
15                               **(Retaliation in violation of Title VII and NRS 613.330)**

16           19.     Plaintiff repeats and realleges paragraphs 1-18 by this reference the same as  
17 though fully set forth herein.

18           20.     Plaintiff complained to his employer about sexual harassment.

19           21.     Shortly after Plaintiff's complaint about sexual harassment, he was subjected to  
20 suspension and other conduct adverse to his employment including termination.

21           22.     The adverse conduct in which Defendant and its employees engaged towards  
22 Plaintiff was a direct result of his complaint about sexual harassment.

23           23.     Defendant has no legitimate business reason which is not pretextual for Plaintiff's  
24 termination.

1           24.    On information and belief, other employees of Defendant have tape recorded  
2 communications in the workplace, Defendant was aware either during or after the fact of such  
3 tape recording, and did not terminate those employees.

4           25.    The treatment to which Plaintiff was subjected was retaliatory in violation of Title  
5 VII and NRS 613.330.

6           26.    Plaintiff has suffered and will continue to suffer irreparable injury caused by the  
7 conduct of Defendant and its employees.

8           27.    As a direct and proximate result of the conduct of Defendant and its employees,  
9 Plaintiff has been damaged in a sum in excess of \$10,000.00.

10          28.    Additionally, the conduct of Defendant and its employees has been malicious,  
11 fraudulent and oppressive and was designed to vex, annoy or harass Plaintiff and thus Plaintiff is  
12 entitled to punitive damages.

13                           **SECOND CAUSE OF ACTION**  
14                           **(Negligent Training and/or Supervision)**

15          29.    Plaintiff repeats and realleges paragraphs 1-28 by this reference the same as  
16 though fully set forth herein.

17          30.    Defendant has a duty to properly hire, train and supervise its employees.

18          31.    Defendant's duty to properly hire, train and supervise extends to all persons,  
19 including Plaintiff, in its employ.

20          32.    Defendant failed to properly hire, train and supervise its agents, servants or  
21 employees herein, including but not limited to, Lantrip, Herbert and Hurt.

22          33.    As a direct and proximate result of the breach of said duty, Defendant's agents,  
23 servants or employees' conduct against Plaintiff unlawfully and willfully subjected Plaintiff to  
24 retaliation in violation of Federal Law.

1           34. As a result of Defendant's conduct, Plaintiff is entitled damages in an amount in  
2 excess of \$10,000.00

3           **WHEREFORE**, Plaintiff requests the following relief:

- 4                   1. Actual and general damages in excess of \$10,000.00;
- 5                   2. Punitive and exemplary damages where appropriate in excess of \$10,000.00;
- 6                   3. Statutory damages as allowed by law in excess of \$10,000.00;
- 7                   4. Liquidated damages in excess of \$10,000.00;
- 8                   5. Equitable relief;
- 9                   6. Attorney's fees, costs and expenses;
- 10                  7. For such other relief as the Court deems just and equitable.

11           Dated this 4 day of March 2010.

12                                   **NELSON LAW**

13  
14                                   Nicholas Hamilton  
15                                   SHARON L. NELSON  
16                                   Nevada Bar No. 6433  
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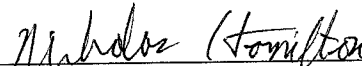
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**JURY DEMAND**

Plaintiff hereby demands a jury trial.

Dated this 4 day of March 2010.

**NELSON LAW**

  
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